

## 9 FAM 40.41 EXHIBIT I

### POVERTY INCOME GUIDELINES 2001

(TL:VISA-428; 06-24-2002)

The poverty guidelines published by the Department of Health and Human Services (HHS) [67 FR 6931, 2/14/02] have been adopted for use in considering questions of eligibility for an immigrant visa under section 212(a)(4) of the Immigration and Nationality Act. The tables are revised at annual intervals (or any shorter interval the Secretary of Health and Human Services deems feasible and desirable) by the Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, and reflect changes in the consumer price index. The guidelines are a simplified version of the poverty thresholds used by the Bureau of Census to prepare its statistical estimates of the number of persons and families in poverty. The HHS guidelines are published in the Federal Register as public notices.

**NOTE:** The effective date of these poverty guidelines is February 14, 2002.

### 2002 GUIDELINES

#### MINIMUM INCOME REQUIREMENT FOR USE IN COMPLETING THE FORM I-864, *Affidavit of Support Under Section 213A*

For the 48 contiguous states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam use the table below.

SPONSOR'S HOUSEHOLD	POVERTY GUIDELINE	POVERTY GUIDELINE
Size	100%	125%
1	\$ 8,860	\$11,075
2	\$11,940	\$14,925
3	\$15,020	\$18,775
4	\$18,100	\$22,625
5	\$21,180	\$26,475
6	\$24,260	\$30,325
7	\$27,340	\$34,175
8	\$30,420	\$38,025

**NOTE:** Each family member above the eighth, add \$3,080 (100%) or \$3,850 (125%).

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<b>SPONSOR'S HOUSEHOLD</b>	<b>POVERTY GUIDELINE</b>	<b>POVERTY GUIDELINE</b>
<b>Size</b>	<b>100%</b>	<b>125%</b>
1	\$11,080	\$13,850
2	\$14,930	\$18,663
3	\$18,780	\$23,475
4	\$22,630	\$28,288
5	\$26,480	\$33,100
6	\$30,330	\$37,913
7	\$34,180	\$42,275
8	\$38,030	\$47,538

**NOTE:** Each family member above the eighth, add \$3,850 (100%) or \$4,812 (125%).

**HAWAII**

<b>SPONSOR'S HOUSEHOLD</b>	<b>POVERTY GUIDELINE</b>	<b>POVERTY GUIDELINE</b>
<b>Size</b>	<b>100%</b>	<b>125%</b>
1	\$10,200	\$12,750
2	\$13,740	\$17,175
3	\$17,280	\$21,600
4	\$20,820	\$26,025
5	\$24,360	\$30,450
6	\$27,900	\$34,875
7	\$31,440	\$39,300
8	\$34,980	\$43,725

**NOTE:** Each family member above the eighth, add \$3,540 (100%) or \$4,425 (125%).

**IMPORTANT NOTICE FOR SPONSORS**

Read this before submitting the Form I-864, *Affidavit of Support Under Section 213A*

Please use this checklist to assemble Form I-864 affidavit of support documents. Due to heavy worldwide considerations, the visa section will not accept affidavits of support that are incomplete or have not been assembled correctly. **NOTE:** this form is for your personal reference. You do not need to return it with the completed I-864.

## WHO NEEDS AN I-864, *Affidavit of Support Under Section 213A*

Applicants for family-based immigrant visas, including orphans, (self-petitioning widow or widower and battered spouses and children of U.S. citizens are exempt from this requirement.)

Applicants for employment-based immigrant visas where a relative filed the immigrant visa petition or has a five percent or greater ownership interest in the business that filed the petition.

### CHECKLIST FOR PREPARING THE Form I-864, *Affidavit of Support Under Section 213A*

Documents must be submitted in the following order:

#### I. Petitioner's Documents:

Form I-864. The petitioner in family-based cases, or the relative who either filed the petition or has ownership interest in the petitioning company in employment-based cases must complete a Form I-864 even if a joint sponsor submits an affidavit of support.

- ( ) All pages in correct order, 1, 2, 3, 4, 5, and 6 and stapled together.
- ( ) Each page filled out completely.
- ( ) Part 7 signed by the petitioner (for employment cases, by the relative and it must be notarized)
- ( ) Completed federal tax returns with all supporting schedules for the 3 most recent tax years. Each year's return must have all pages in the correct order and must be stapled together.
- ( ) If you did not have to file a tax return, attach a written explanation and a copy of the instructions from the Internal Revenue Service publication that shows you were not obligated to file. (Pages 7 and 8 of the 1997 1040 provide information on most income tax obligations.)
- ( ) If assets are needed to meet the minimum income requirement:
- ( ) Evidence of assets with a cash value that equals at least five times the difference between your total household income and the poverty guideline for your household size.

Example for a Household of 4:

Poverty Guideline	\$28,062
Sponsor's Income	\$18,000
Difference	\$2,062
Multiply by 5	X 5

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Minimum Required Cash Value of Assets    \$10,310

- ( ) Evidence of ownership, location and the value of each asset.
- ( ) Evidence of liens, mortgages and liabilities for each asset (if any).
- ( ) Evidence of current employment or self-employment, such as a recent pay statement or a statement from your employer on business stationery, showing beginning date of employment, type of work performed and salary or wages paid.

II. Joint Sponsor's Documents (if required):

Form I-864, *Affidavit of Support Under Section 213A*: Must be completed by a joint sponsor if the petitioner's income does not meet the 125% income requirement. **NOTE:** The petitioner must also submit an I-864.

- ( ) All pages in correct order, 1, 2, 3, 4, 5, and 6 stapled together.
- ( ) Part 7 signed by the petitioner (for employment cases, by the relative and it must be notarized)
- ( ) Completed federal tax returns with all supporting schedules for the 3 most recent tax years. Each year's return must have all pages in the correct order and must be stapled together.
- ( ) If assets are needed to meet the minimum income requirement:
- ( ) Evidence of assets with a cash value that equals at least five times the difference between your total household income and the poverty guideline for your household size.

Example for a Household of 4:

Poverty Guideline	\$28,062
Sponsor's Income	\$18,000
Difference	\$2,062
Multiply by 5	X 5
Minimum Required Cash Value of Assets	\$10,310

- ( ) Evidence of ownership, location and the value of each asset.
- ( ) Evidence of liens, mortgages and liabilities for each asset (if any).
- ( ) Evidence of current employment or self-employment, such as a recent pay statement or a statement from your employer on business stationery, showing beginning date of employment, type of work performed and salary or wages paid.
- ( ) Proof of U.S. citizenship or lawful permanent resident status.

III. Household members whose income and assets are to be considered:

A separate Form I-864A, *Contract Between Sponsor and Household Member*, for each household member whose income and assets are to be considered.

- ( ) Each page filled out completely and stapled together.
- ( ) All tax, employment and asset documents must be assembled in the same manner as the sponsor's (see above) and attached to the correct Form I-864A.
- ( ) Proof of U.S. citizenship or lawful permanent resident status.
- ( ) Part 2 and Part 5 completed by sponsor and notarized.
- ( ) Part 3 or Part 4 and Part 6 completed by the household member and notarized.

IV. Documents for the Principal Immigrant and Accompanying Dependents:

Principal Applicant:

- ( ) Original, signed and notarized Form I-864, *Affidavit of Support Under Section 213A* and Form I-864A, *Contract Between Sponsor and Household Member* (if needed), and
- ( ) One complete set of supporting documents (tax records, employment letters, etc.) are needed for each principal immigrant.

Accompanying Dependents:

- ( ) Each dependent must have a signed and notarized Form I-864 and Form I-864A, if needed.
- ( ) Copies of the principal's Form I-864 and Form I-864A may be used, but the sponsor's and notary's signatures must be original (photocopies of signatures and notarizations will not be accepted.)
- ( ) Copies of supporting documents are not required for dependents applying for visas or adjustment of status together with the principal immigrant.